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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,002	12/28/2004	William Henderson	0.010302USWZFN	6419

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Chief Intellectual Property Counsel
Omnova Solutions Inc
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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/512,002	Applicant(s) HENDERSON ET AL.	
	Examiner Nasser Ahmad	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/2420/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejection Maintained

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, for reasons of record made in the last Office Action of 8/23/2006.

Response to Arguments

2. Applicant's arguments filed 11/24/2006 have been fully considered but they are not persuasive.

With respect to the 35 USC 112, second paragraph rejection of claim 5 made in the last Office Action, applicant has failed to overcome said rejection.

Rejections Withdrawn

3. Claims 1-2, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner (6017079) made in the last Office Action has been withdrawn in view of the amendment filed on 11/24/2006.
4. Claims 1-5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Granqvist (4953922) made in the last Office Action has been withdrawn in view of the amendment.
5. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Nesbitt (5549938) made in the last Office Action has been withdrawn in view of the amendment.
6. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinney (6373058) made in the last Office Action has been withdrawn in view of the amendment.
7. Claims 1-4, 6-10 are rejected under 35 U.S.C. 112, second paragraph, made in the last Office Action has been withdrawn in view of the amendment.

Response to Arguments

8. Applicant's arguments with respect to claims 2-9 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 2-5, 7-9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Granqvist (4953922).

Granqvist relates to a camouflage covering (1) comprising a sheet that comprises an embossed exterior surface (7) bearing a colored camouflaging image (col. 3, line 7), an adhesive (8) exterior surface opposite said embossed exterior surface, and between said exterior surfaces, at least one additional component (4).

The phrase “capable of providing protection against detection by at least one sensing method other than visual inspection and surface profiling” has not been given any patentable weight because it only requires the ability to so perform and is not a positive limitation.

For claim 2, said at least one sensing method comprises UV-sensing, IR-sensing, etc. (abstract).

The components comprises at least one component comprising a metallic foil (4) and/or IR-transparent polymer for claims 3 and 4.

The visible light or IR or UV absorbent layer would include radio absorbing.

The presence of the various layers would inherently provide for acoustic absorption property.

Regarding claim 8, the sheet is flexible (web material in abstract).

For claim 9, the colored camouflage image represents an environmental background.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist.

Granqvist, as discussed above, fails to teach that the component comprise phase change material. McKinney relates to camouflage covering (figure-3), the covering comprising a sheet including a plurality of components (10, 20, 30), each of said components being capable of providing protection against detection by at least one sensing method. A component is phase change material (abstract) to provide for camouflaging a surface. Therefore, it would have been obvious to one having ordinary skill in the art to utilize McKinney's teaching of providing a phase change absorber as a layer in a camouflaging article in the invention of Granqvist with the motivation to provide camouflaging from radiation.

13. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist.

Granqvist, as discussed above, fails to teach the presence of a second sheet overlaying the sheet. It would have been obvious to one having ordinary skill in the art at the time

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the invention was made to provide a second sheet, because it involves a mere duplication of the essential working part of a device, that is the first sheet.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 2-9, 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 11 and 13, the phrase "at least one sensing method other than visual inspection and surface profiling" is found to be new matter for lack of support therefor in the originally filed specification.

Claim 12, the phrase "said second sheet overlaying and being removably adhered to said sheet" is also found to be new matter as support for said phrase could not be located in the originally filed specification.

Response to Arguments

16. Applicant's arguments filed 11/24/2006 have been fully considered but they are not persuasive.

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Applicant argues that "while the 8/23 Action implies that the process of printing would yield "an uneven surface profile," *Applicants note that this interpretation is inconsistent with the specification; see, e.g., lines 1-20 of page 9 of the specification as filed (where creation of this profile is shown to be greater than that provided by printing or imaging, discussed at, e.g., page 8 of the specification)*". This is not convincing because said language could not be located in the directed portion of the specification.

Responding to applicant's argument that *applicant's note that nowhere does the '922 patent teach that the outermost surface be both embossed and bear a colored imprint, image, etc. Instead, the '922 patent teaches only protection against visual detection through this type of pattern embossing; see also, e.g., the table bridging cols. 5-6. In fact, given the composition and structure of the underlying foil (4) and surface coating (5), the material taught in the '922 patent likely would be iridescent or pearlescent,* applicant is directed to Granqvist'922, col. 3, line-7 wherein it is mention the presence of colored layer on the metal foil. Hence, with the color coat on the foil and the embossed surface, the exterior surface of the covering is provided with an embossed surface bearing a colored image.

With respect to the 35 USC 1-3(a) rejection, the argument is moot in view of the rejection being withdrawn.

Specification

16. the amendments made to the specification, pages 4 and 8 have been entered as to matter not affecting the scope of the invention.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

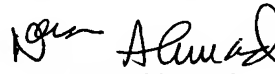
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 2/13/07
Primary Examiner
Art Unit 1772

N. Ahmad.
February 13, 2007.